

STATE OF TENNESSEE

Office of the Attorney General



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Reply to:  
Consumer Advocate and Protection Division  
Post Office Box 20207  
Nashville, TN 37202

January 23, 2002

Mr. David Waddell  
Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

**RE: In re: Show Cause Proceeding Against Talk.com d/b/a Talk America, Inc.  
Docket No. 01-00216**

Dear Mr. Waddell:

Enclosed is an original and thirteen copies of a Petition to Intervene by the Consumer Advocate and Protection Division of the State of Tennessee's Office of the Attorney General in the above-referenced matter. We request that this be filed with the Tennessee Regulatory Authority. We have served copies on all parties of record. If you have any questions, kindly contact me at (615) 532-3382. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Shilina B. Chatterjee".

Shilina B. Chatterjee  
Assistant Attorney General

Enclosures

**IN THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

<b>IN RE:</b>	)	<b>DOCKET NO. 01-00216</b>
	)	
<b>SHOW CAUSE PROCEEDING</b>	)	
<b>AGAINST TALK.COM</b>	)	
<b>d/b/a TALK AMERICA, INC.</b>	)	
	)	
	)	
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**PETITION TO INTERVENE**

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Comes Paul G. Summers, the Attorney General & Reporter, through the Consumer Advocate and Protection Division of the Office of Attorney General (hereinafter "Attorney General"), pursuant to Tenn. Code Ann. § 65-4-118(c)(2)(A), and petitions to intervene in this case on behalf of the public interest because a large number of consumers have been negatively affected by the actions of TALK AMERICA, Inc and may be further affected by actions taken in this docket. For cause, the Petitioner would show as follows:

I.

1. The Consumer Advocate and Protection Division of the Office of the Attorney General is authorized by Tenn. Code Ann. § 65-4-118 (c)(2)(A) to initiate a contested case, and participate or intervene in proceedings to represent the interests of Tennessee consumers in accordance with the Uniform Administrative Procedures Act (UAPA).

2. Talk America, Inc. is a corporation that conducts business in the State of Tennessee and does so under the jurisdiction of the Tennessee Regulatory Authority (hereafter "Authority").

3. The present docket, No. 01-00216, was opened by motion of the Authority to initiate

a show cause proceeding for the purpose of investigating complaints against Talk America, Inc. for alleged violations of T.C.A. 65-4-125, 65-4-404 and Tenn. Rules & Regs. 1220-4-2-.56 and 1220-4-11-.07.

4. That the Authority's Show Cause Order of March 20, 2001 documents one hundred and nineteen (119) consumer complaints against Talk America, Inc. or its affiliated companies. Most of the complaints allege the unauthorized switch of consumers' local and/or long distance service, constituting a violation of T.C.A. 65-4-125(a) and Tenn. Rules & Regs. 1220-4-2-.56. (This practice is commonly referred to as "slamming").

5. That Respondent's business practice also include placing unauthorized, misleading or deceptive charges on consumer's telephone bills constituting a violation of T.C.A. § 65-4-125(b) and Tenn. Rules & Regs. 1220-4-2-.58(3)(a). (This practice is commonly referred to as "cramming").

6. That many Tennessee consumers were affected by unsolicited telemarketers that acted on behalf of Talk America, Inc. and violated the Do Not Call provision provided by the Authority.

7. That Talk America, Inc. has engaged in various practices involving slamming, cramming and representations, acts or practices were misleading, unfair or deceptive and have affected a large number of Tennessee consumers.

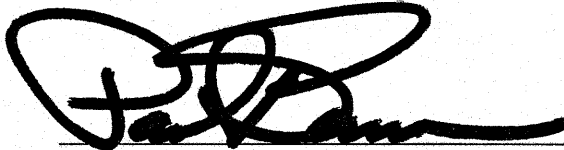
8. That many Tennessee consumers are further likely to be affected by Talk America, Inc.'s unlawful conduct and therefore, they should be enjoined from billing or collecting any charges from Tennessee consumers unless it provides verification that they are authorized to bill or collect from the consumer for services that they provided.

9. That the number of consumer complaints and violations has continued to increase since the Show Cause Order of March 20, 2001.

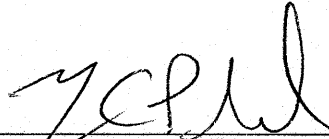
10. Only by intervening and participating in this proceeding can the Attorney General work to protect the public interest.

WHEREFORE the Petitioner respectfully requests that the Authority grant its Petition to Intervene.

Respectfully submitted,



PAUL G. SUMMERS, #6285  
Attorney General and Reporter



TIMOTHY C. PHILLIPS, B.P.R. #12751  
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Office of the Attorney General  
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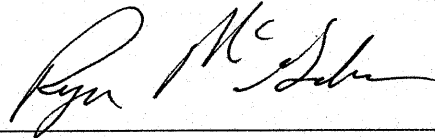
SHILINA B. CHATTERJEE, B.P.R. #20689  
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P.O. Box 20207  
Nashville, Tennessee 37202  
(615) 532-3382

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served via facsimile and regular mail on January 23, 2002.

Richard Collier, Esq.  
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